

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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WELLS FARGO BANK, N.A.

Plaintiff,

-against-

STARX MOTORS LLC, JEAN S. SMITH,  
BENJAMIN SCHRAGE, JACQUES A.  
HORN, GENE T. OLIVER, MICHAEL A.  
CHAVEZ and JACQUELINE CHAVEZ

Defendants.  
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: Civil Action No.: 1:20-cv-05455  
:  
: Judge: The Honorable Alvin K. Hellerstein  
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: **NOTICE OF INTERPLEADER**  
: **MOTION**

**PLEASE TAKE NOTICE** that, upon the accompanying Declaration of Elizabeth C. Viele, the memorandum of law, and all prior proceedings, pleadings, and filings in this action, Plaintiff Wells Fargo Bank, N.A. (“Wells Fargo”) will move before the Honorable Alvin K. Hellerstein, United States District Judge, Room 1050, United States Courthouse, 500 Pearl Street, New York, New York 10007, at such date as the Court determines, for an Order permitting Wells Fargo to deposit into the Registry of this Court the Restrained Proceeds (as defined in the Complaint) that are subject of its Complaint for Interpleader, and dismissing and discharging Wells Fargo from this action, along with an award of its reasonable attorneys’ fees and costs, to which it is entitled to both contractually and as a matter of law.

Dated: October 30, 2020  
New York, New York

/s/ Elizabeth C. Viele  
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